

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MARK PICOZZI,

4 Plaintiff

Case No. 2:19-cv-01361-KJD-DJA

ORDER

5 v.

6 JENNIFER NASH et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
11 (“NDOC”), has filed an “Employee Code of Ethics and Conduct.” (ECF No. 1-1). Plaintiff
12 has not filed a complaint or an application to proceed *in forma pauperis* in this matter.

13 Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a
14 complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30)
15 days from the date of this order to submit a complaint to this Court.

16 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
17 application to proceed *in forma pauperis* and attach both an inmate account statement
18 for the past six months and a properly executed financial certificate. Plaintiff will be
19 granted an opportunity to file an application to proceed *in forma pauperis*, or in the
20 alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application
21 to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*
22 *pauperis*.

23 **II. CONCLUSION**

24 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
25 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
26 as the document entitled information and instructions for filing an *in forma pauperis*
27 application.

28 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,

1 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
2 the correct form with complete financial attachments in compliance with 28 U.S.C. §
3 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
4 fee and the \$50 administrative fee).

5 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
6 thirty (30) days from the date of this order.

7 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
8 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
9 Clerk of the Court will also send Plaintiff a copy of his Employee Code of Ethics and
10 Conduct (ECF No. 1-1).

11 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
12 dismissal of this action may result.

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14 DATED THIS 12th day of August 2019.

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16 _____
17 UNITED STATES MAGISTRATE JUDGE
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